Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q78312	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/736,634	Filed December 17, 2003
	First Named Inventor Lieven Leopold Albertine TRAPPENIERS	
	Art Unit 2145	Examiner William J. Goodchild

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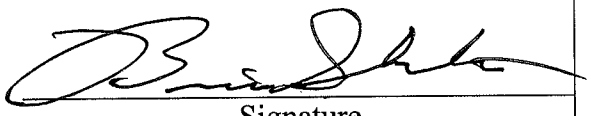
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
Registration number 50,245



Signature

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August 13, 2008
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Lieven Leopold Albertine TRAPPENIERS, et al.

Docket No: Q78312

Appln. No.: 10/736,634

Group Art Unit: 2145

Confirmation No.: 4745

Examiner: William J. Goodchild

Filed: December 17, 2003

For: COUPLING SECTION/CONFIGURATION THROUGH SERVICE PARAMETERS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated February 13, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-6 and 8-15 stand rejection under 35 U.S.C. § 102(b) as being anticipated by Westfall (WO 02/15462). As set forth below, the rejection is facially defective because Westfall cannot be properly applied to anticipate all the claim limitations.

For instance, claim 1 defines, *inter alia*, a method for communication between a terminal and a service providing-server or another terminal via an access system providing access to a network, wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings. In Applicant's previous Amendment filed November 27, 2007, Applicant noted that Westfall does not teach or suggest the configuration of protocol

couplings in the manner claimed further fails to suggest any communication of service parameters that define any protocol coupling to be used. (Amendment at 16-17.)

In the Office Action of February 13, 2008, the Examiner maintained the rejection in view of these arguments, pointing to Westfall's alleged teaching of "generating control messages to each processing device" causing new classification and scheduling rules to be added to the policy, with reference to Westfall's Table 1 on page 15 showing "parameters that can be modified." (Office Action 4-5.) Further, the Examiner responded that Westfall "discloses communication of parameters that define a protocol to be used", which was alleged to be disclosed in pages 14-16. Further, the Examiner contended that "Westfall discloses classifying item 6 [protocol] of Table 1." (Office Action at 5.)

Applicant respectfully disagrees with the Examiner's interpretation. As fairly read, the disclosure of Westfall's system for "deploying quality of service policies on a data communications network" plainly differs from the method of claim 1 and fails to disclose several claim limitations. For instance, claim 1 recites, *inter alia*:

- at said service-selection-server, in dependence of a service-definition-signal, obtained by said service-selection server, generating a configuration-signal and transmitting said configuration-signal to said access system for ***configuring at least parts of said access system and at least parts of said protocol couplings*** ,and
- at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling interface ***to inform about the configurations made in at least parts of the access system and in at least***

parts of the protocol couplings, wherein said service information signal defines a protocol coupling to be used

By contrast, the system and method of Westfall relate to a fundamentally different technique for configuring networks with policy trees, in which different services may have different quality of service (QOS) requirements. (*See* Westfall at 1:5-11; 2:7-3:18.) Westfall simply lacks any disclosure for the configuration of protocol couplings in the manner claimed.

Rather, Westfall describes the use of "service templates" that specify service topology and QOS requirements for one or more data connections in the service, whereby a user can specify endpoints for a service (e.g., video conferencing, email, etc.), and a set of rule revisions is generated ***for classifying and dispatching data packets*** in the data connections at packet processing devices in the network. (Westfall at 4:15-27, 7:14-13.) Westfall's service template is further described as including information in which:

1. Identifies types of endpoints that can participate in providing and consuming the service;
2. defines data connections between the endpoints;
3. specifies the Quality of Service required by each of the data connections; and
4. specifies at least partial information about how to classify data packets so as to associate them with data connections of the service.

(Westfall at 13:11-23.)

However, Westfall never mentions or even suggests any *configuration* of protocol couplings. Indeed, the term ***"protocol" only appears twice*** in Westfall's disclosure. First, "protocol" appears in Table 1 on page 15 of Westfall, but this is in connection with Westfall's parameters for classification, which Westfall simply lists as parameters that "may [be] provide[d]" for classification (i.e., source

TCP/UDP port, destination TCP/UDP port, protocol, type of service, acknowledgement). (Westfall at 15:1-13.)

Second, Westfall uses such classification parameters to sort data outgoing on links at its packet processing devices in order to separate data packets that will require different levels of QOS, which is accomplished by extracting information intrinsic to packet, such as "the source address, destination address, protocol, and so on." (Westfall at 7-23.) Thus, in the only two instances that Westfall actually mentions "protocol", it is in connection with a classification technique that Westfall uses to instruct packet processing devices to identify packets requiring a specified QOS.

Not only is Westfall's mention of any "protocol" minimal, but it is ***unrelated*** to any configuration of protocol couplings or any generation of a service-information-signal that in any way informs "about the configurations made in at least parts of the access system and in at least parts of the protocol couplings, wherein said service-information signal defines a protocol coupling to be used." Westfall fails to disclose *at least* these limitations of claim 1. Westfall further does not disclose the further feature of said terminal and/or said coupling interface, communicating with said service-providing-server or said other terminal ***via the protocol coupling defined by at least one service parameter***, wherein said communicating comprises an exchange of signals that comprise said at least one service parameter.

In the Advisory Action of July 14, 2008, the Examiner again fails to point to any portion of Westfall that can properly be read to disclose the above-noted features of claim 1. Indeed, the Examiner explicitly points to Table 1 on page 15 of Westfall, which simply shows "protocol" among its ***classification*** parameters for simply classifying data packets, which is inconsistent with the claimed invention for reasons noted above. As Westfall fails to disclose all the limitations of claim 1, reconsideration and withdrawal of the rejection of claim 1 is requested.

Independent claims 8-15 recite analogous features to those recited in claim 1, which are likewise not disclosed by Westfall for reasons similar to those discussed above. Reconsideration and withdrawal of these rejections is requested. As to dependent claims 2-7, Applicant submits that these claims are allowable at least by virtue of their dependency.

Respectfully submitted,

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